

SPECIAL ORDINANCE NO. 21, 2010.

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

Common Address of lots to be rezoned:

1601 Ft. Harrison Avenue, Terre Haute, IN 47804

Rezone From: R-1 Single Family Residential District

Rezone To: C-2 Community Commerce District

Proposed Use: Commercial Building

Name of Owner: Dave Ngo and Amy Ngo

Address of Owner: 8251 Crimson Court
Terre Haute, IN 47802

Phone Number of Owner: (812) 239-9496

Attorney Representing Owner: Richard J. Shagley

Address of Attorney: Wright, Shagley & Lowery, P.C.
PO Box 9849, Terre Haute, IN 47808

For Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: Norman Loudermilk

COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

AUG 06 2010

CITY CLERK

SPECIAL ORDINANCE NO. 21, 2010

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Lots Number Sixty-three (63), excepting Ten (10) feet of even width off the South side thereof, and Sixty-four (64) in Simon A. Peck's Subdivision, lying in North East quarter of Section Ten (10), Township Twelve (12) North, Range Nine (9) West, in Vigo County, Indiana.

Commonly known as 1601 Ft. Harrison Avenue, Terre Haute, IN 47804.

be and the same is, hereby established as a C-2 Community Commerce District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member,



Norman Loudermilk, Councilperson

Passed in open Council this _____ day of _____, 2010.

Neil Garrison, President

ATTEST:

Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2010.

Charles P. Hanley, City Clerk

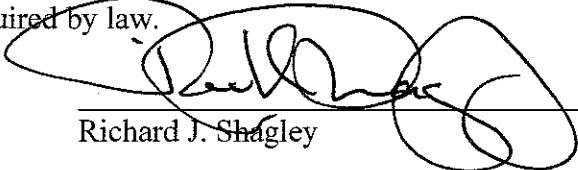
Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2010.

Duke A. Bennett, Mayor

ATTEST:

Charles P. Hanley, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.



Richard J. Shagley

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA;

and THE PRESIDENT AND MEMBERS OF THE AREA PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, Dave Ngo and Amy Ngo, respectfully submit this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Lots Number Sixty-three (63), excepting Ten (10) feet of even width off the South side thereof, and Sixty-four (64) in Simon A. Peck's Subdivision, lying in North East quarter of Section Ten (10), Township Twelve (12) North, Range Nine (9) West, in Vigo County, Indiana.

Commonly known as 1601 Ft. Harrison Avenue, Terre Haute, IN 47804.

Your Petitioners are informed and believe that in accordance with Chapter 10, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute", as amended, the above described real estate is now zoned as R-1 Single Family Residential District.

Your Petitioners would respectfully state that the real estate is now vacant. Your Petitioners intends to construct a commercial building.

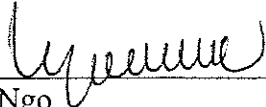
Your Petitioners would request that the real estate described herein shall be zoned as a C-2 Community Commerce District to allow for the use as proposed by the Petitioners. Your Petitioners would allege that the C-2 Community Commerce District would not alter the general characteristics of this neighborhood, since the real estate is located in the North Plaza commercial district.

Your Petitioners would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the area.

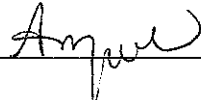
WHEREFORE, your Petitioners respectfully request that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the C-2 Community Commerce District of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioners have executed this Petition to Rezone Real Property this 5th day of August, 2010.

PETITIONERS:



Dave Ngo



Amy Ngo

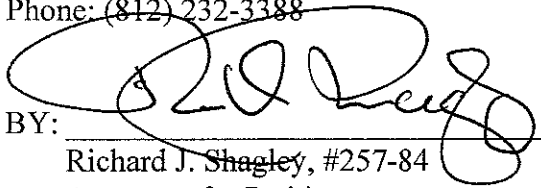
WRIGHT, SHAGLEY & LOWERY, P.C.

500 Ohio Street

PO Box 9849

Terre Haute, IN 47808

Phone: (812) 232-3388

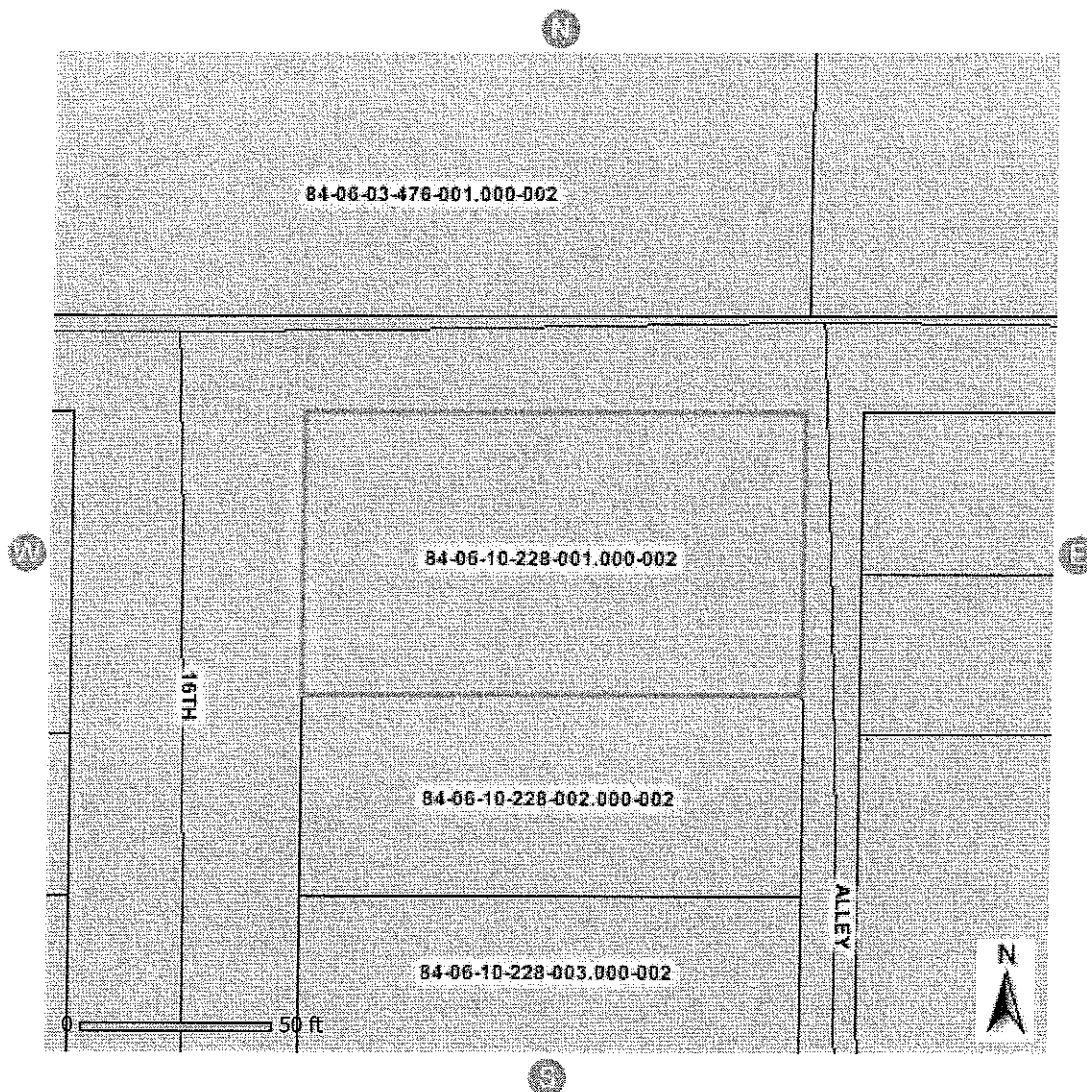
BY: 

Richard J. Shagley, #257-84
Attorneys for Petitioners

The owner and mailing address: Dave Ngo and Amy Ngo, 8251 Crimson Court, Terre Haute, Indiana, 47802.

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

SITE PLAN



Summary

Parcel ID 84-06-10-228-001.000-002

Sec/Twp/Rng

Property Address 1601 FT HARRISON RD
TERRE HAUTE

Alternate ID 118-06-10-228-001

Class Res 1 fam dwelling platted lot (RAZED)

Acreage 0.00

Owner Name DAVE + AMY NGC

Owner Address

1708 N 31 st ST
TERRE HAUTE, IN 47804

District 002 HARRISON

Brief Tax Description PECKS SUB EX 10' S-63
10-12-9 LOTS 63-64

PRESENT USE: VACANT LOT

PROPOSED USE: COMMERCIAL BUILDING
TO BE CONSTRUCTED TO
TENANT'S REQUIREMENTS
AND
C-2 REQUIREMENTS

(Note: Not to be used on legal documents)

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S.O. 21, 2010 - R-1 to C-2 - COMMERCIAL AREA